

AN ORDINANCE 101165

**AUTHORIZING THE EXECUTION OF A PUBLIC USE AGREEMENT
BETWEEN THE CITY OF SAN ANTONIO, TEXAS, THE BOARD OF
DIRECTORS FOR TAX INCREMENT REINVESTMENT ZONE
NUMBER ELEVEN, CITY OF SAN ANTONIO, TEXAS AND ANTIOCH
COMMUNITY TRANSFORMATION NETWORK FOR PUBLIC USE
RIGHTS TO THE EASTSIDE SPORTS COMPLEX LOCATED IN CITY
COUNCIL DISTRICT 2.**

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WHEREAS, the City of San Antonio recognizes the importance of its continued role in economic development; and

WHEREAS, by Ordinance No. 93101, dated December 14, 2000, the City of San Antonio, Texas ("City") created, pursuant to the Tax Increment Financing Act, Texas Tax Code, Chapter 311 ("Act"), Reinvestment Zone Number Eleven, City of San Antonio, Texas ("Zone"), to promote development and redevelopment in the Zone through the use of tax increment financing, which would not otherwise occur solely through private investment in the reasonably foreseeable future; and

WHEREAS, the Act authorizes the expenditure of funds derived within a reinvestment zone, for the payment of expenditures made or estimated to be made and monetary obligations incurred or estimated to be incurred by a municipality establishing a reinvestment zone, for costs of public works or public improvements in the zone and for the provision of areas of public assembly in the zone, plus other costs incidental to those expenditures and obligations, consistent with the project plan of the zone, which constitute project costs, as defined in the Act ("Project Costs"); and

WHEREAS, Ordinance No. 93101 created a Board of Directors for the Zone ("Board") and authorized the Board to exercise all the rights, powers, and duties as provided to such boards under the Act; and

WHEREAS, by Ordinance No. 99663, dated September 2, 2004, the City amended the Project Plan and Financing Plan for the Zone to include the costs for the public use of the Eastside Sports Complex ("Complex"), a 22,600 square foot two-story, state of the art sports center and gymnasium constructed at N. Walters and Eross Streets in District 2 near the center of the Zone, where the Antioch Community Transformation Network ("ACTN") offers athletic and fitness center activities such as a NCAA regulation basketball court with seating for 250 people, a ballet and dance studio, a walking track, and a concessions stand; and

WHEREAS, the Financing Plan, as amended, designated \$1,832,992.00 of revenue out of the Tax Increment Fund for the Zone ("TIF Funds") to be used for the public use of the Eastside Sports Complex beginning in Fiscal Year 2008 and extending through the duration of the Zone; and

WHEREAS, the Project Plan, as amended, provided that the City, the Board and ACTN would enter into a use agreement that would specify the procedures for public use of the Complex in return for payment to ACTN of TIF Funds as compensation for holding the Complex open for use by the public; and

WHEREAS, the City Staff and ACTN have negotiated a proposed Public Use Agreement ("Agreement") that meets the requirements of the Project Plan; and

WHEREAS, pursuant to Section 311.010(b) of the Act, the Board and City may each enter into agreements they consider necessary to implement the Project Plan and provide for the use of TIF Funds to pay for project costs; and

WHEREAS, on May 25, 2005, the Board and ACTN approved and executed the proposed Agreement and the Board recommended to the City that the City enter into the proposed Agreement; and

WHEREAS, it is now necessary to authorize the execution of this Agreement with the Board and ACTN; and

WHEREAS, the City Council finds that the meeting at which this Ordinance was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW, THEREFORE:**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. The City Manager, or his designee, is hereby authorized and directed to execute the Public Use Agreement ("Agreement") with the Board of Directors for Tax Increment Reinvestment Zone Number Eleven, City of San Antonio ("Board") and Antioch Community Transformation Network ("ACTN"), attached hereto and incorporated herein for all purposes as Exhibit 1. The terms of said agreement are hereby approved.

SECTION 2. Approval and execution of this Agreement does not have an immediate fiscal impact. The previous ordinance approving the amendments of the Final Project Plan and Final Financing Plan authorized the City, to the extent that such funds are available, to pay ACTN up to a maximum total payment of \$1,832,992.00 as compensation for the public use of the Eastside Sports Complex beginning in Fiscal Year 2008 and extending through the duration of the Zone, as authorized by and pursuant to the Tax Increment Financing Act (Chapter 311 of the Texas Tax Code). Tax Increment Reinvestment Zone Number Eleven, City of San Antonio has a termination date of September 30, 2015, unless otherwise terminated earlier as authorized or permitted by law.

SECTION 3. The statements set forth in the recitals of this Ordinance are true and correct, and are incorporated as a part of this Ordinance.

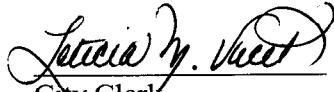
SECTION 4. This Ordinance shall take effect on the tenth (10th) day after passage.

PASSED AND APPROVED THIS 11th day of August 2005.


M A Y O R

PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for Acting City Attorney